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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/751,258	12/31/2003	Michael K. Eschmann	ITL.1082US (P18346)	7473
21906	7590	10/13/2006	EXAMINER	
TROP PRUNER & HU, PC 1616 S. VOSS ROAD, SUITE 750 HOUSTON, TX 77057-2631			SCHLIE, PAUL W	
			ART UNIT	PAPER NUMBER
			2186	

DATE MAILED: 10/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/751,258	<b>Applicant(s)</b> ESCHMANN ET AL.	
	<b>Examiner</b> Paul W. Schlie	<b>Art Unit</b> 2186	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 14 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

1. Claims 1-30 have been examined as presented 8/14/06.

#### ***Response to Arguments***

2. Applicant's arguments dated 8/14/06, with respect to claims 1-30, have been considered but are moot in view of the new grounds of rejection as necessitated by their amendment in view of their apparent newly intended meaning as reveled within the applicant's current argument, and thereby considered to have sufficiently implicitly amended the claim's meaning and scope beyond that both previously considered and supported by the applicant's original disclosure.

13 - More specifically, ~~the as~~ the term "operation" as utilized within for example claim 4, was being clearly equated with the term "request" as originally presented in claim 1, upon which it is dependent; and in further view of the term's absents in the disclosure other than when used within the context of "during operation of the system" as appearing on line 23 of the same; the term "operation" was considered to be originally intended to be and treated as being synonymous with the term "request" as utilized within the context of the claims; thereby upon the 3/24/06 amendment of claim 1 effectively substituting it's original use of the term "request" (who's use is pervasive thought the disclosure, and who's meaning was clearly intended to denote a logically atomic "request" page 8 line 24 which may comprise a potential plurality of "write disk accesses" occurring sequentially on the disk page 8 line 11, and as correspondingly clearly analogously depicted in element 64 of figure 3), with the term "operation" as utilized by the claim's dependents, the amendment was not objected to as introducing

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new matter, as the two terms were considered to be intended as being synonymous. However, it is now apparent that the prescribed meaning of "operation" is now being effectively defined within the applicant's response as meaning something other than that taught as being the meaning of "request" within the applicant's own disclosure without any corresponding support; and thereby the claims implicitly amended are being rejected under USC 35 112 first paragraph; and corresponding rejected under USC 35 paragraph 102/103 as being anticipated or in the alternative obvious over prior art.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1-30 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. As the independent claims 1, 11, and 21, and thereby their dependents, contains new subject matter which was not originally disclosed in the specification, or described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. More specifically, the applicant's more recent argument implicitly changes the meaning of the use of the term "operation" previously equated with "request" (which as taught may comprise multiple "write accesses"; as also taught by the reference), to apparently meaning that it may not, in apparent contradiction to that originally disclosed.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mason, Jr. (6,304,946) in further view of Mandal et al. (US App. 2003/0088713).

As per independent claims 1, 11 and 21, Mason, Jr. teaches a system and/or method comprising the means by which multiple potentially non-sequentially cached logical disk block write requests may be subsequently coalesced into a single logical disk write request to improve the effective efficiency of a disk storage system, by way of teaching that groups of arbitrarily previously cached block writes may be identified as a candidate for inclusion within an aggregate coalesced write operation by forming and traversing a logical hierarchy of such cached blocks in a manner corresponding to their natural logical sequential ordering (see abstract and figure 4); however as it may be argued that Mason, Jr. does not explicitly teach that such previously non-sequentially cached writes may be written back as a single "larger" write operation not otherwise inherently composed of potentially multiple disk writes; Mandal et al. does teach this (see paragraph [0071] lines 7-9); and thereby considered obvious to one of ordinary skill in the art at the time of the claimed invention.

As per claims 2-10, 12-20 and 22-30, being dependant on claim 1, 11, 21 or correspondingly dependent claim inclusively, the search structure taught Mason, Jr. as

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reviewed above is further considered to implicitly teach that blocks stored within a cache organized by sets and ways are inherently searched in multiple directions and correspondingly may inherently coalesce blocks being comprised within multiple cache lines into a single write operation, but does not teach explicitly that otherwise taught by Mandal et al., being that cached written disk blocks may be identified with a dirty bit (page 4 column 2 paragraph 54), that multiple disk block cached lines may be flushed in the same operation (page 7 column 2 paragraph 74), and that the cache may be composed of non-volatile memory (page 1 column 1 paragraph 3). Thereby it is considered obvious to combine that taught by Mason Jr., with that taught by Mandal et al. relevant to the claims, for the benefit of improving the write-back efficiently of a disk cache.


### ***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul W. Schlie whose telephone number is 571-272-6765. The examiner can normally be reached on Mon-Thu 8:00-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Kim can be reached on 517-272-4182. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
PIERRE BATAILLE  
PRIMARY EXAMINER  
10/10/06